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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,786	06/14/2002	Howard Francis Gokey		6223

7590

04/22/2004

HOWARD F. GOKEY
25 EDWARD ST.
MALONE, NY 12953

EXAMINER

WATSON, ROBERT C

ART UNIT PAPER NUMBER

3723

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

The new specification has been entered. This specification is objected to as containing improper "Related US Application Data". The instant application 10/084,786 is indeed not a divisional of application 08/787,971 and applicant has supplied false information in this regard. Further, the items under the heading "Int. Class", "US Class", and "Fields of Search" are items that are supplied by the examiner for the printed patent and are not to be supplied by the applicant. Deletion of all of this extraneous incorrect material is required.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 the structural relationship between the "third beam clamp" and the "fourth beam clamp" and the remaining elements of the claim are not set forth. These parts are merely listed in the claim. Claim 1 is improper since it does not end in a period. Claim 3 states that the adaptors "are not required to be attached". However, parent claim 1 claims that the adaptors are "unattached". Accordingly, claim 3 is either duplicative of claim 1 or is contradicting claim 1 and therefor renders the claims ambiguous.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baculy in view of Ruggiero.

Baculy shows, at Figure 6, two beam clamps 12 having opposed jaws 14, a set of four adaptors 42 designed to nest into the first and second beam jaws. Baculy lacks a third beam clamp and a fourth beam clamp.

Ruggiero teaches the use of four beam clamps. Each beam clamp consists of elements 14, 13, 12, 15, 16, and 17. There are four adaptors 7. The third and fourth beam clamps are positioned perpendicular to the first and second beam clamps.

To provide third and fourth beam clamps in Baculy would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Ruggiero. One of ordinary skill in the art would have been motivated to do this in order to provide a squaring fixture so as to make sure the first and second beam clamps are properly aligned parallel. Further, although Baculy provides a screw 53 to fixedly attach the adaptor 42 to the beam clamp jaws it would be obvious for one skilled in the art to remove the screw. Assembled elements may obviously be disassembled in the reverse manner from which they were assembled. The elimination of an element with the consequent loss of its function is an indication of obviousness. This proposition is a well known case law holding.

Applicant's remarks have been carefully considered. However, the newly applied reference, Ruggiero, shows that it is obvious to employ four beam clamps with four adaptors functioning as a squaring fixture. Baculy further shows that a removable

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screw 53 may be removed so that the adapters are unconnected to the beam clamp jaws.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Robert C. Watson", with a stylized, cursive script.

ROBERT C. WATSON
PRIMARY EXAMINER